

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION

SECURITIES AND EXCHANGE
COMMISSION,

Plaintiff,

vs.

Case No. 10-11891
HON. GEORGE CARAM STEEH

MATTHEW J. GAGNON,

Defendant.

_____/

ORDER DISMISSING ORDER TO SHOW CAUSE [#18], GRANTING DEFENDANT'S
REQUEST FOR CONTINUANCE OF INJUNCTION HEARING AND SETTING
BRIEFING SCHEDULE [#20], AND GRANTING PLAINTIFF'S *EX PARTE* MOTION
FOR LEAVE TO FILE A REPLY BRIEF IN EXCESS OF FIVE PAGES [#22]

On May 11, 2010, plaintiff filed a motion for preliminary injunction, immediate asset freeze, and other ancillary relief. On May 24, 2010, the court entered an order imposing asset freeze and other ancillary relief and setting hearing on motion for preliminary injunction. The motion hearing was originally set for June 23, 2010, but on June 15, 2010, the court rescheduled the hearing to July 7, 2010. Also on July 7, 2010, the court informed the parties that responses were due by June 23, 2010 and that replies were due by July 1, 2010. Due to defendant's failure to abide by the court's briefing schedule, the court entered an order for defendant to show cause in a writing, on or before July 2, 2010, why this court should not grant plaintiff's motion for preliminary injunction.

On July 2, 2010, defendant filed a response to order to show cause and request for

continuance of injunction hearing and motion schedule. Also, on July 2, 2010, plaintiff filed a reply brief in support of motion for preliminary injunction and a response to defendant's response to show cause order.¹ Upon review of the parties' submissions, the court grants defendant's request for a continuance of the injunction hearing. The court has reviewed plaintiff's argument against postponing the injunction hearing, specifically that defendant cannot establish good cause for his failure to file a timely response to plaintiff's motion for preliminary injunction. However, there is no apparent prejudice to plaintiff if the hearing is postponed as the court's May 24, 2010 order imposing an asset freeze and other ancillary relief remains in effect.

Accordingly,

The court's June 29, 2010 order to show cause is DISMISSED.

Defendant's request for continuance of injunction hearing is GRANTED. Defendant shall file a response to plaintiff's motion for preliminary injunction on or before July 7, 2010. Plaintiff may file a reply to defendant's response on or before July 15, 2010. The hearing on plaintiff's motion for preliminary injunction is rescheduled to July 21, 2010 at 2:30 p.m.

Plaintiff's *ex parte* motion to file reply brief in excess of five pages is GRANTED.

SO ORDERED.

Dated: July 2, 2010

s/George Caram Steeh _____
GEORGE CARAM STEEH
UNITED STATES DISTRICT JUDGE

¹ Plaintiff also filed an *ex parte* motion for leave to file a reply brief in excess of five pages in support of motion for preliminary injunction. The court grants plaintiff's *ex parte* motion to file reply brief in excess of five pages.

CERTIFICATE OF SERVICE

Copies of this Order were served upon attorneys of record on July 2, 2010, by electronic and/or ordinary mail.

s/Marcia Beauchemin
Deputy Clerk